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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,357	04/13/2004	Rick M. McCraney	36327-95396	4717

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EXAMINER
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LARSON, JUSTIN MATTHEW

ART UNIT	PAPER NUMBER
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3782

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/823,357

Applicant(s)

MCCRANEY, RICK M.

Examiner

Justin M. Larson

Art Unit

3782

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/13/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 4/13/04 is noted. The submission is in compliance with the provisions of 37 CFR 1.97 and 1.98. Accordingly, the examiner is considering the information disclosure statement.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the removable pouch slidably coupled to the second strap, as recited in claim 16, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

Art Unit: 3782

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-12 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kakouras (US 2004/0178236 A1) in view of Knerr (US 5,961,014 A).

Regarding claims 1 and 17, Kakouras discloses a body harness for carrying a long gun having a forward portion and a butt portion, the body harness comprising a first strap (13) having a first end and a second end, first and second attaching devices (46) coupled to the first and second ends of the first strap ([0022]) for attaching to the forward and butt portions of the long gun, and a second strap (12) having a first end and a second end. Kakouras fails to disclose the second strap being attached at its ends via slidable buckles to the first strap proximate the first strap's ends. Instead, as shown in Figure 4, Kakouras teaches that the second strap's ends (32) are joined to the first strap proximate the first strap's ends (33) without the use of sliding buckles.

Now, Knerr also discloses a harness and teaches that strap ends can be attached to other straps in several different ways. Knerr teaches that the ends (32,34) of strap (30) are attached to other straps either with or without the use of sliding buckles (col. 3 lines 60-67). It would have been obvious to one having ordinary skill in the art at

Art Unit: 3782

the time the invention was made to attach the ends of the second strap (12) of Kakouras to the first strap proximate the first strap's ends using slidable buckles instead of no buckles, as taught by Knerr, in order to allow a user to adjust the position of the second strap on the first strap, perhaps to improve the comfort or fit of the harness.

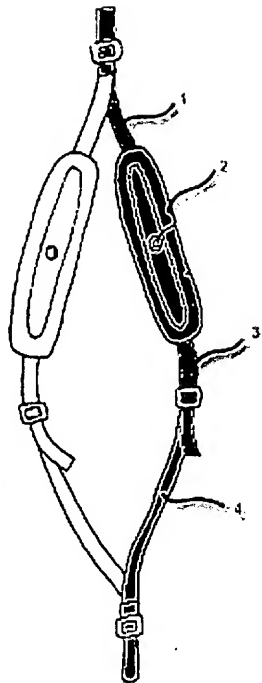
Regarding claim 2, the configuration shown in Figure 1 of Kakouras satisfies the limitations of the claimed configuration.

Regarding claim 3, the configuration shown in Figure 2 of Kakouras satisfies the limitations of the claimed configuration.

Regarding claims 4 and 18, the harness of Kakouras as shown in Figure 4 includes third and fourth buckles (47) slidably mounted on the first strap (33) to define first and second loops at the first and second ends, respectively, of the strap.

Regarding claims 5, 6, 19, and 20, the attaching devices (46) of Kakouras have apertures for receiving the first and second loops formed at the first and second ends of the first strap (33). The sling swivels disclosed by Kakouras also satisfy the remaining structural limitations of the claims.

Regarding claims 7 and 8, the first strap of Kakouras includes the four claimed segments as set forth in the figure presented below. The first segment (1, below) includes the first buckle. The second segment (2, below) includes a pad (15). The fourth segment (4, below) is adjustably coupled to a third segment (3, below) and includes the second buckle.



Regarding claims 9 and 10, the interpretation as applied to the first strap of Kakouras with regard to the four segments can also be applied to the second strap, effectively satisfying the limitations of the claim.

Regarding claim 11, the length of the second segment (15) of the first strap of Kakouras is shown to be shorter than the second segment (14) of the second strap (Figure 1).

Regarding claim 12, Kakouras discloses the claimed invention except for the difference in size between of the second portions of the first and second straps being three-eighths of an inch. It would have been an obvious matter of design choice to modify the difference in size between of the second portions of the first and second straps, since such a modification would have involved a mere change in the size of a

Art Unit: 3782

component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kakouras in view of Knerr as applied above, and further in view of Reimers (US 5,292,044 A).

The modified Kakouras harness includes the claimed features except for the shoulder pads comprising a non-slip velour material surface. Kakouras is silent as to the material structure of the pads. Reimers, however, discloses a shoulder pad and teaches that the pad comprises a non-slip velour surface (col. 3 line 20, col. 4 line 1) in order to provide a shoulder pad that is comfortable on the user and less likely to inadvertently slide off their shoulder. It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the shoulder pads of the modified Kakouras out of non-slip and velour material, as taught by Reimers, in order to provide a shoulder pad that is comfortable on the user and less likely to inadvertently slide off their shoulder.

6. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kakouras in view of Knerr as applied above, and further in view of Schleifer (US 6,446,849 B1).

The modified Kakouras harness includes the claimed features except for the first and second straps being made of nylon or leather. Kakouras is silent as to the material structure of the straps. Schleifer, however, discloses a harness and teaches that the strap of the harness can be made of nylon or leather (col. 2 lines 34-37). It would have

Art Unit: 3782

been obvious to one having ordinary skill in the art at the time the invention was made to form the first and second straps of the modified Kakouras harness out of either nylon or leather, as taught by Schleifer, since either material is already known in the art to provide a durable harness strap.

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kakouras in view of Knerr as applied above, and further in view of Buonaiuto et al. (US 5,653,336 A).

The modified Kakouras harness includes the claimed features except for a removable pouch slidably coupled to the second strap. Buonaiuto et al., however, discloses a harness (Figure 5) and teaches that a pouch (10) is slidably and removably coupled to a strap (48) of the harness. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a removable pouch slidably coupled to the second strap of the modified Kakouras harness, as taught by Buonaiuto et al., so that a user could couple other items to the harness and increase the over all utility and carrying capacity of the harness.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M. Larson whose telephone number is (571) 272-8649. The examiner can normally be reached on Monday - Thursday, 7am - 5pm.



Art Unit: 3782

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JML  
2/8/07



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